

SECRETARY OF STATE[721]

Notice of Intended Action

**Proposing rule making related to safe at home program
and providing an opportunity for public comment**

The Secretary of State hereby proposes to amend Chapter 6, “Safe at Home Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 9E.3 and 17A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 9E.2 as amended by 2018 Iowa Acts, House File 2252.

Purpose and Summary

This proposed amendment facilitates the administration of the Safe at Home Program, an address confidentiality program, in accordance with Iowa Code chapter 9E. The amendment is proposed based on a recommendation from the Legislative Services Agency following the passage of 2018 Iowa Acts, House File 2252.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Secretary of State no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Molly Widen
Office of the Secretary of State
Lucas State Office Building, First Floor
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.5864
Email: molly.widen@sos.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 721—6.1(9E) as follows:

721—6.1(9E) Definitions. For purposes of this chapter, the terms defined in this rule have the meanings given them.

“*Address*” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant.

“*Applicant*” means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person as defined in Iowa Code section 633.701.

“*Designated address*” means the mailing address assigned to a program participant by the secretary.

“*Domestic abuse*” means the same as defined in Iowa Code section 236.2.

“*Domestic abuse assault*” means the same as defined in Iowa Code section 708.2A.

“*Eligible person*” means a person who is all of the following:

1. A resident of this state.
2. An adult, a minor, or an incapacitated person as defined in Iowa Code section 633.701.
3. A victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking as evidenced by the filing of a petition pursuant to Iowa Code section 236.3 or a criminal complaint or information pursuant to Iowa Code section 708.2A, 708.11, or 710A.2, or any violation contained in Iowa Code chapter 709.

For purposes of this definition, a person determined to be a sexually violent predator pursuant to Iowa Code section 229A.7, ~~or a person required to register as a sex offender under Iowa Code chapter 692A,~~ or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar ~~law~~ laws of another state is not an eligible person.

“*Human trafficking*” means a crime described in Iowa Code section 710A.2.

“*Mail*” means first-class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.

“*Program*” means the address confidentiality program established in Iowa Code chapter 9E.

“*Program participant*” means an individual certified by the secretary as a program participant under Iowa Code section 9E.3.

“*Safe at home card*” means the official participation card that is issued by the secretary of state to each program participant, that must state the program participant’s name, designated address, and certification expiration date, and that must include a space for the signature of the program participant.

“*Safe at home program*” means the program authorized by Iowa Code chapter 9E.

“*Secretary*” means the secretary of state.

“*Sexual abuse*” means a violation of any provision of Iowa Code chapter 709.

“*Stalking*” means the same as defined in Iowa Code section 708.11.